

**REMARKS**

Claims 1-18 are all the claims presently pending in the application. New claims 16-18 are added. The original claims 1-15 have been amended only to clear up various minor issues unrelated to patentability.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges that claims 6, 8, and 14-15 would be allowable if rewritten in independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1-5 and 9-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stack (U.S. Patent No. 5,815,717). This rejection is respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

The claimed invention, as described and claimed in, for example, independent claim 1, is directed to an automatic software component creating system. A software component definition data storage section stores software component definition data. A software component creation rule storage section stores software component creation rules.

A client program creation rule storage section stores client program creation rules. A software component creating section creates a software component module with one or more software components based on the software component definition data and the software component creation rules in response to a start instruction. A client program creating section creates a client program source code based on the software component definition data, the software component module, and the client program creation rules, when the software component module is created.

**AMENDMENTS TO THE DRAWINGS:**

Figure 1B is amended to label the second “M2” to be “M3” and Figure 1C is amended to correct the spelling of “CLIENT”. The Attachment to this Amendment contains an annotated page and a replacement page having these two changes.

As explained at lines 20-26 of page 1 of the Application, conventional methods for developing a client program require that a program developer separately and manually develop the client program.

The claimed invention, on the other hand, provides a client program creating section that automatically creates a client program source code based on the software component definition data, the software component module, and the client program creation rules, when the software component module is created.

## **II. THE PRIOR ART REJECTION**

The Examiner alleges that Stack anticipates the present invention defined by claims teaches the claimed invention defined by claims 1-5 and 9-13. Applicant respectfully disagrees.

The Examiner alleges that the “TEST RULES” 122 and “SKILL RULES” 126 of Figure 7 corresponds to the client program creation rule storage section of the claimed invention and that the “APPLICATION STRUCTURE” of Figure 4 corresponds to the client program creating section which creates a client program source code.

Applicant respectfully disagrees that one of ordinary skill in the art would agree with the Examiner. That is, the term “client program” is a term of art. As explained in MPEP § 2111 (“*The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.*”), the interpretation of the plain meaning of the claim language must be consistent with the interpretation understood in the art.

As clearly explained at line 9 of page 1 of the present Application, a “client program” is a separate program that uses the software component that was created as the parent. Stack does not address a “client program”. As clearly described in the Abstract, as well as the underlying disclosure, Stack provides for an automatic generation of an application program. There is no suggestion of extending the automatic code generation capability to subsequently create a second software program that uses the generated application program (e.g., a client program).

Hence, turning to the clear language of the claims, in Stack there is no teaching or suggestion of: “... a client program creation rule storage section which stores client

program creation rules therein ... and a client program creating section which creates a client program source code based on said software component definition data, said software component module, and said client program creation rules, when said software component module is created”, as required by claim 1.

Relative to independent claim 9, Stack fails to teach or suggest: “... creating a client program source code based on said software component definition data, said software component module, and client program creation rules, when said software component module is created.”

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Stack. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

Further, the Examiner is again requested to consider the references (e.g., JP 11-224184 and JP 10-111802) submitted in the IDS filed on July 13, 2001. It is noted that the IDS was in full compliance with M.P.E.P. § 609 AND 37 C.F.R. § 1.98. It is also noted that, as clearly stated in the IDS cover page itself, a concise statement of relevance for the reference is found at pages 2, 6, and 7 of the present application. For the Examiner’s convenience, yet another PTO-1449 form is attached hereto for the Examiner’s consideration and initials. It is further noted that 37 C.F.R. §1.98(a)(3)(ii) does not, as the Examiner seems to imply, state that an English translation is required for non-English-language documents. Please see also MPEP 8<sup>th</sup> Edition, Revision 2, §609, III, A(3), beginning on the left-hand column on page 600-122.

In view of the foregoing, Applicant submits that claims 1-18, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Serial No. 09/903,683  
Docket No. KUD.041

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 1/25/05



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Fig. 1A  
PRIOR ART

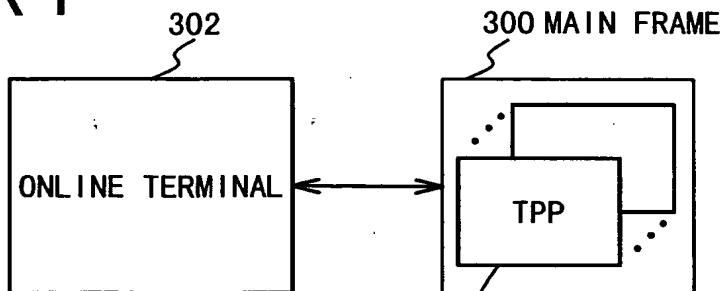


Fig. 1B  
PRIOR ART

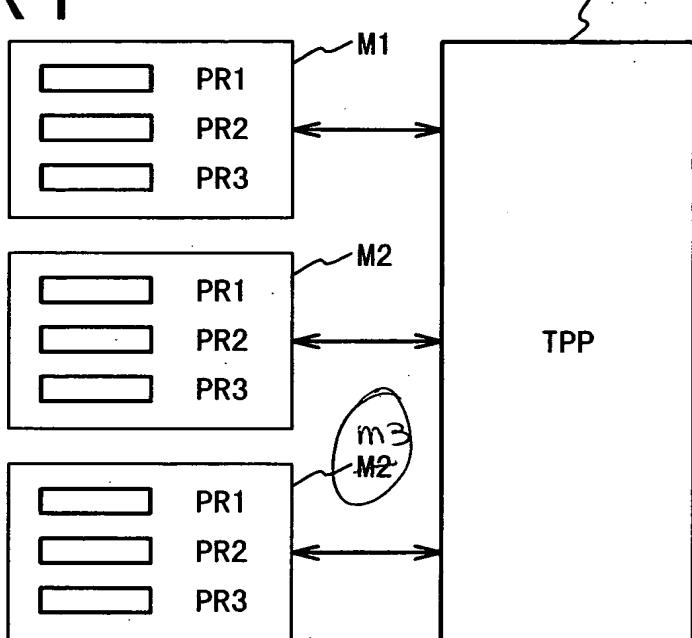
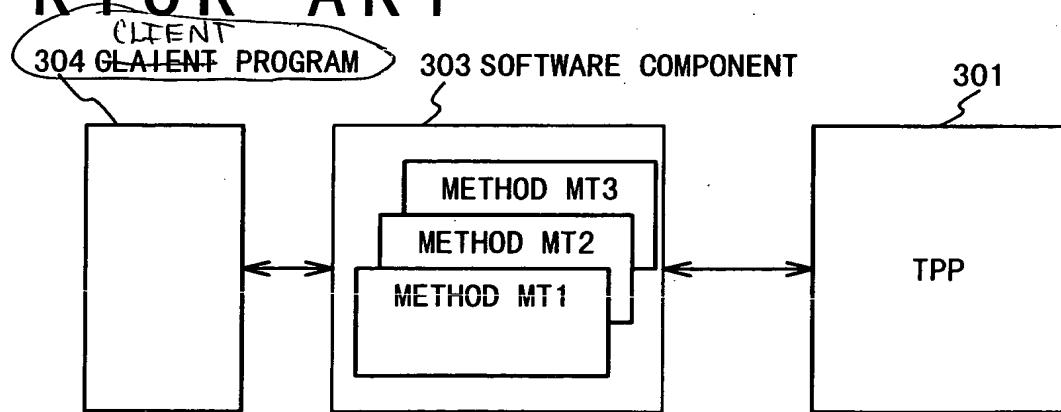


Fig. 1C  
PRIOR ART



**INFORMATION DISCLOSURE CITATION**  
*(Use several sheets if necessary)*

*(Use several sheets if necessary)*

JAN 25 2005

**Docket Number (Optional)**

KUD.04

**Application Number**

### Not Yet Assigned

**Applicant(s)**

Hideharu Yoneyama

**Filing Date**

## **Concurrently Herewith**

### **Group Art Unit**

## **Not Yet Assigned**

## **U.S. PATENT DOCUMENTS**

## **FOREIGN PATENT DOCUMENTS**

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	11-224184	8/17/99	Japan				✓
	10-111802	4/28/98	Japan				✓

**OTHER DOCUMENTS** (*Including Author, Title, Date, Pertinent Pages, Etc.*)

EXAMINER \_\_\_\_\_

## KAMINER

**DATE CONSIDERED**

**AMINER:** Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.